



THE CITY OF NEW YORK
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July 3, 2007

BY FAX: (212) 805-6304
 Honorable Paul A. Crotty
 United States District Judge
 Southern District of New York
 500 Pearl Street, Room 735
 New York, New York 10007

Application GRANTED
SO Ordered 7-5-07

Paul A. Crotty

Re: Leon Smith v. City of New York, et al., 07 Civ. 5455 (PAC)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant City of New York ("City"). I am writing with respect to the above-referenced matter in which plaintiff alleges that defendants falsely arrested him. Defendants City respectfully requests an extension of time to answer or otherwise respond to this complaint from July 3, 2007 until September 3, 2007. Plaintiff consents to this request.

There are several reasons for seeking an enlargement of time in this matter. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. Furthermore, it is our understanding that the records of the underlying criminal action, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this

¹ Upon information and belief, the named individual defendant has not been served in this matter. Therefore, should the Court grant this enlargement, it should allow plaintiff time to serve the individual defendant. If timely served, it may also give this office time to determine, pursuant to Section 50-k of the New York General Municipal Law, and based upon a review of the facts of the case, whether we may represent her. See *Mercurio v. The City of New York, et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting *Williams v. City of New York, et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

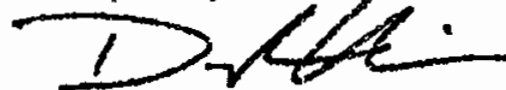
MEMO ENDORSED

office is in the process of forwarding to plaintiff for execution a consent and authorization for the release of sealed arrest and criminal prosecution records so that defendant City can access the information, properly assess the case, and respond to this complaint.

No previous request for an extension has been made by defendant City in this action. Accordingly, we respectfully request that defendant City's time to answer or otherwise respond to the complaint be extended to September 3, 2007.

Thank you for your consideration herein.

Respectfully submitted,



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Special Federal Litigation Division

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